



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

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**DA 02-2633**  
**October 15, 2002**

**FIBER LINK LLC. SEEKS COMMISSION DETERMINATION OF  
"EXEMPT TELECOMMUNICATIONS COMPANY" STATUS UNDER  
THE PUBLIC UTILITY HOLDING COMPANY ACT**

**Comp. Pol. File No. ETC 02-07**  
**Pleading Cycle Established**

**Comments Due: October 29, 2002**

**Reply Comments Due: November 5, 2002**

On **September 19, 2002**, **Fiber Link LLC.** (Applicant or Fiber Link), located at, **8850 Crawfordsville Road, Clermont, IN 42634** filed an application requesting a determination by the Federal Communications Commission (FCC or Commission) that it is an "exempt telecommunications company" (ETC), pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA),<sup>1</sup> as amended by section 103 of the Telecommunications Act of 1996 (the Act).<sup>2</sup>

The application indicates that Fiber Link is a joint venture, of which 37.5% is indirectly owned by Cinergy Corp., a Delaware corporation and a registered public utility holding company under PUHCA, and 37.5% is indirectly owned by Vectren Utility Service, Inc an Indiana Corporation. The remaining 25% interest in Fiber Link is held by an individual resident of the state of Indiana.

Fiber Link states that it will be directly, or indirectly through one or more affiliates (as defined in section 2(a)(11)(B) of PUHCA), and exclusively engaged in the business of providing (a) telecommunications services, (b) information services, (c) other services or products subject to the jurisdiction of the Commission, or (d) products or services that are related or incidental to the provision of such products or services described in (a), (b), or (c). Fiber Link explains that it

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<sup>1</sup>See 15 U.S.C. §§ 79 *et seq.*

<sup>2</sup>See Pub. L. No. 104-104.

previously installed two fifty-mile conduit loops owned by AT&T in the Indianapolis area and also installed eight additional conduit loops along the same path and is currently selling, renting, leasing, and otherwise commercially optimizing these conduits. Fiber Link also states that it has completed an installation of 25 miles of conduit owned by a third party in the Indianapolis area and that it may act as an assignee of certain other contracts or purchase orders for the installation or optimization of conduit. According to the application, in the future, Fiber Link will engage in such other business activities as are permitted by section 34(a)(1) of PUHCA, as such opportunities arise.

In accordance with section 1.5004 of the Commission's rules, if the Commission does not issue an order denying an ETC application within sixty (60) days of receipt of an application, in this case **November 19, 2002**, the application will be deemed granted as a matter of law.<sup>3</sup> In accordance with section 1.5003, a person applying in good faith for a Commission determination of ETC status is deemed to be an ETC from the date of receipt of the application, in this case **September 19, 2002**, until the date of Commission action pursuant to section 1.5004.<sup>4</sup> In accordance with section 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange Commission (SEC) that the Applicant is deemed to be an Exempt Telecommunications Company.<sup>5</sup> In the event that the Commission issues an order denying the application within sixty (60) days of its receipt, the Secretary will so notify the SEC. Otherwise, the Commission will take no further action to grant this application.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.<sup>6</sup> Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **October 29, 2002**, and reply comments are due on or before **November 5, 2002**. Comments in this proceeding may not be filed using the Commission's Electronic Comment Filing System (ECFS). All filings concerning any of the matters referenced in this Public Notice should refer to file number **Comp. Pol. File No. ETC 02-07**. All comments should also be served on the Applicant at the address listed above.

Interested parties should file an original and four (4) copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one (1) copy to Qualex International, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com), and two (2) copies to Carmell Weathers, Wireline Competition Bureau, Competition Policy Division, FCC, 445 12<sup>th</sup> Street, SW, Room 6-A207, Washington, D.C. 20554. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: John Adams.

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<sup>3</sup>See 47 C.F.R. § 1.5004.

<sup>4</sup>See 47 C.F.R. § 1.5003.

<sup>5</sup>See 47 C.F.R. § 1.5005.

<sup>6</sup>See generally 47 C.F.R. §§ 1.1200 - 1.1216.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at **qualexint@aol.com**.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), **cweather@fcc.gov** or John Adams, (202) 418-0394 (voice), **jkadams@fcc.gov**, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484.

**-FEDERAL COMMUNICATIONS COMMISSION-**